

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

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5 SYLVIA LEYS,

6 Plaintiff,

7 vs.

8 WAL-MART STORES, INC., *et al.*,

9 Defendants.

2:17-cv-02196-APG-VCF

**ORDER**

MOTIONS TO COMPEL DEPOSITIONS [ECF Nos. 35  
& 36]

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12 Before the Court are Defendant Wal-Mart Stores' ("Walmart") Motions to Compel the Depositions  
13 of the Nevada Spine Clinic (ECF No. 35) and the Smoke Ranch Surgery Center (ECF No. 36). For the  
14 reasons stated below, Walmart's motions are granted.

15 The Plaintiff in this case alleges that she was injured at Walmart. (ECF No. 15 at 2-3). Plaintiff  
16 has been treated at Nevada Spine Clinic and Smoke Ranch Surgery Center. (ECF No. 35 at 3, ECF No.  
17 36 at 3). Walmart served deposition subpoenas on Nevada Spine Clinic and Smoke Ranch Surgery Center  
18 relating to Plaintiff's treatment, asking for a representative to testify and produce certain documents at a  
19 deposition. (ECF No. 35 at 3, ECF No. 36 at 3). The medical/legal coordinator for the entities stated that  
20 no corporate representative would be available. (ECF No. 35 at 3-4, ECF No. 36 at 3-4). Walmart called  
21 and emailed the coordinator, but received no response. (ECF No. 35-2 at 2, ECF No. 36-2 at 2).

22 Walmart now moves to compel compliance with its deposition subpoenas. (ECF No. 35 at 4; ECF  
23 No. 36 at 4). Walmart argues that evidence regarding the reasonableness of costs charged by the Nevada  
24 Spine Clinic and Smoke Ranch Surgery Center is relevant. (ECF No. 35 at 5; ECF No. 36 at 5). Walmart  
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1 served copies of its motions to compel on Nevada Spine Clinic and Smoke Ranch Surgery Center (ECF  
2 No. 37), but the entities have not filed any response to the motions.

3 “Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party’s  
4 claim or defense and proportional to the needs of the case.” Fed. R. Civ. P. 26(b)(1). When an individual  
5 objects to discovery, a party may move for an order compelling compliance. Fed. R. Civ. P. 45(d)(2)(B)(i).  
6 Under LCR 47-3, “[t]he failure of an opposing party to include points and authorities in response to any  
7 motion constitutes a consent to granting the motion.”

8 The discovery Walmart seeks is relevant and proportional to the needs of the case. Information  
9 regarding the reasonableness of costs charged by Nevada Spine Clinic and Smoke Ranch Surgery Center  
10 for Plaintiff’s treatment is relevant to Walmart’s defense. In addition, Nevada Spine Clinic and Smoke  
11 Ranch Surgery Center have failed to oppose Walmart’s motions to compel, thereby consenting to the  
12 Court’s granting of the motions.

13 Accordingly, and for good cause shown,

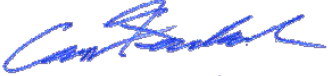
14 IT IS HEREBY ORDERED that Walmart’s Motions to Compel the Depositions of the Nevada  
15 Spine Clinic (ECF No. 35) and the Smoke Ranch Surgery Center (ECF No. 36) are GRANTED.

16 IT IS FURTHER ORDERED that Nevada Spine Clinic and Smoke Ranch Surgery Center have  
17 until May 3, 2018 to designate a person to appear for a deposition.

18 IT IS FURTHER ORDERED that Nevada Spine Clinic and Smoke Ranch Surgery Center have  
19 until May 3, 2018 to produce documents or otherwise respond to Walmart’s document requests.

20 IT IS FURTHER ORDERED that Walmart must serve a copy of this order on Nevada Spine Clinic  
21 and Smoke Ranch Surgery Center by April 19, 2018.

22 DATED this 16th day of April, 2018.

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24 CAM FERENBACH  
25 UNITED STATES MAGISTRATE JUDGE